



Appeal Decision

Site visit made on 26 May 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2020

Appeal Ref: APP/C1435/D/20/3244750

39 The Laurels, Hawks Road, Hailsham BN27 1NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs S Allpress against the decision of Wealden District Council.
 - The application Ref WD/2019/1886/FR, dated 31 August 2019, was refused by notice dated 31 October 2019.
 - The development proposed is a retrospective planning application for a fence to the front of the property around boundary.
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Decision

1. The appeal is allowed and planning permission is granted for a fence to the front of the property around boundary at 39 The Laurels, Hawks Road, Hailsham BN27 1NL, in accordance with the terms of the application, Ref WD/2019/1886/FR, dated 31 August 2019, and the plans submitted with it, subject to the conditions set out in Annex A.

Procedural Matters

2. The fence has been erected. Therefore, I am considering this appeal retrospectively.
3. In January 2019 the Council submitted Stage 1 of the new Wealden Local Plan (NWLP) for examination. However, in December 2019 the Council was informed that the submission failed to meet a number of requirements for legal compliance. As a result, in February 2020 the Council decided to withdraw the NWLP with the intention to produce a new Plan. As such, the Council have relied upon Policies from the relevant adopted plans which are the Wealden Local Plan, 1998 (WLP), the Wealden Core Strategy Local Plan, 2013 (CS) and the Wealden Design Guide Supplementary Planning Document, 2008 (SPD). I have proceeded accordingly.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. Hawks Road is a highway that runs through a residential area that has predominantly detached, one and two-storey development that is sited behind setbacks, gardens or parking areas, and fronted by hedging, fences or walls. On the appeal site side of the highway there are glimpses available between the dwellings to the rear gardens and spaces beyond.

6. The appeal property at 39 Hawks Road is a two-storey detached dwelling that has a relatively deep gravelled set back. The development has been completed and comprises of a new close boarded fence that is approximately 2m in height on all sides. There is a gap in the front section of the fence to allow egress and access to the gravelled area behind.
7. I have minimal planning history before me, in respect of the boundary treatments, related to other dwellings in the surrounding area. Therefore, I have considered the proposal on its own planning merits.
8. As such, I noted at my site visit that there are a number of detached two-storey dwellings in the surrounding area with generous setbacks, and similar scale fences and/or hedges to the development at No 39. Indeed, the neighbouring dwelling to the right-hand side, when viewed from the opposite side of the road, has a hedge of similar height to the proposed fence at No 30. Moreover, while some of the properties along this section of Hawks Road have lower boundary treatments, they are mostly associated with one storey, rather than two-storey, dwellings that are sited nearer to the highway than No 39. Furthermore, to the left-hand side of the host dwelling there is an open driveway to the property beyond, which in combination with the relatively generous access gap in the fence, would help to retain a sense of spaciousness in the surrounding area. Therefore, I conclude that the proposal would not be incongruous with the prevailing character and appearance of the area.
9. As such, the proposal accords with Policy EN27 of the WLP, and Policies SP013 and WCS14 of the CS and the SPD, which say amongst other things, that the scale, form, site coverage, density and design of the development and the use of the materials and landscaping should respect the character of the adjoining development, and where appropriate, promote local distinctiveness.
10. For similar reasons, the proposal meets the aims of Paragraphs 124, 127 and 130 of the *National Planning Policy Framework (the Framework)* which require that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Conditions

11. The Council have not suggested any specific conditions for the proposal. Therefore, I have considered Paragraph 55 of *the Framework* and the *National Planning Practice Guidance*. As the development has been completed, I have not applied the standard time condition. However, in the interests of certainty, I have imposed a condition that requires that the development is carried out in accordance with the approved plans.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed subject to the conditions set in Annex A.

J E JOLLY

INSPECTOR

Annex A – Conditions

- a) The development hereby permitted shall be carried out in accordance with the approved plans: Drawing 001 – Retrospective Fence (August 19), Drawing 002 – Retrospective Fence (August 19), Drawing 003 – Retrospective Fence (August 19), and Drawing 004 – Retrospective Fence (August 19).

*****End of Conditions*****